

Amendment No. 1 to HB3048

Robinson
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Comm. Amdt. _____

AMEND Senate Bill No. 3121

House Bill No. 3048*

By adding the following language to the end of subsection (b) of the amendatory language of Section 1:

When the property creating an obstruction or hazard to traffic is a motor carrier, as defined in § 65-15-102(4), the agency causing its removal shall make a reasonable effort to allow the owner of the vehicle to arrange for its removal and shall give due consideration to having the vehicle towed by a licensed towing service capable of safely moving the vehicle in question. The final decision on removal shall rest with the agency causing the removal.

AND FURTHER AMEND By deleting subsection (e) of the amendatory language of Section 1 in its entirety and by substituting instead the following:

(e)(1) Any liability of the department of safety or the department of transportation for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of §§ 9-8-301, *et seq.*

(2) Any liability of local law enforcement agencies for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of §§ 29-20-101, *et seq.*

AND FURTHER AMEND By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 55-10-117, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) When a motor vehicle traffic accident occurs with no apparent serious personal injury or death, the driver of each motor vehicle involved in such traffic

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accident, or any other occupant of any such motor vehicle who possesses a valid driver license, shall remove the vehicle from the immediate confines of the roadway into a safe refuge on the shoulder, emergency lane, or median, or to a place otherwise removed from the roadway whenever, in the judgment of the driver, such moving of a vehicle may be done safely and the vehicle is capable of being normally and safely driven, does not require towing, and may be operated under its own power in its customary manner without further damage or hazard to itself, to the traffic elements, or to the roadway. The driver of such motor vehicle may request any person who possesses a valid driver license to remove such motor vehicle as provided in this section, and such person may comply with such request.